APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/451,870	ITO ET AL.
	Examiner	Art Unit	
	Michael Van Handel	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 October 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>14,102 and 104-107</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>14,102 and 104-107</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>12/20/2007</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 10/30/2007 has been entered.

Response to Amendment

1. ·   This action is responsive to an Amendment filed 10/30/2007. Claims **14, 102, 104-107**

are pending. Claims **104-107** are amended. Claims **1-13; 15-101, 103** are canceled.

Response to Arguments

1.   Applicant's arguments regarding claims **104, 106,** and **107,** filed 10/30/2007, have been

fully considered, but they are not persuasive.

Regarding claims **104, 106,** and **107,** the applicant argues that Shoff et al. fails to disclose

or suggest customizing a user layout for displaying the generated plural images and the generated

character image in accordance with a user instruction, in combination with registering the user

layout, which is customized by said layout changer, corresponding to the program ID, and

storing a plurality of user layout data, each of which represents a registered user layout,

registered by said layout setter, by indicating a position of displaying each image and each of

which corresponds to a respective program ID (with synthesizing based on user layout data or basic layout as claimed). The examiner respectfully disagrees. As noted in the Office Action mailed 9/27/2007, Shoff et al. discloses an interactive entertainment system that enables presentation of supplemental interactive content along side traditional broadcast video programs, such as television shows and movies. A viewer computing unit is located at the viewer's home to present the program and supplemental content to a viewer. When the viewer tunes to a particular channel, the viewer computing unit determines if the present program carried on the channel is interactive. If it is, the viewer computing unit launches a browser. The browser activates a target resource containing the supplemental content for enhancing the broadcast program. The target resource contains display layout instructions prescribing how the supplemental content and the video content program are to appear in relation to one another when displayed. When the data from the target resource is downloaded, the viewer computing unit is responsive to the layout instructions obtained from the target resource to display the supplemental content concurrently with the video content program (see Abstract).

Shoff et al. discloses that the program and supplemental content are displayed as prescribed by the display layout (col. 11, l. 48-49). The display layout changes in response to viewer selection of a soft button, as is the case causing the display layout to change from Figs. 8b to 8c (col. 11, l. 56-59 & Figs. 8b, 8c). When the display layout is changed, the viewer computing unit re-sizes and/or reshapes the program boundary 210 and location of the supplemental content to achieve the presentation envisioned by the content developer (col. 11, l. 51-55). The examiner notes that the supplemental content includes text, graphics, video, picture, sound, or other multimedia types (col. 5, l. 16-18). Figure 8c illustrates a screen with video

content (program), picture data (merchandise picture), character data (program title, clothes, posters, merchandise description, etc.), etc. (Fig. 8c). The screen is generated in response to user selection of soft button 217 (col. 11, l. 12-24, 56-59). As such, the examiner interprets this as "a layout changer, arranged to customize a user layout for displaying the generated plural images and the generated character image in accordance with a user instruction," as currently claimed. Shoff et al. further discloses a remote control handset for controlling the set-top box (STB) 26 (col. 4, l. 27-29 & col. 9, l. 54-56). When a user selects soft button 217 with the remote control handset, the display layout is changed (col. 11, l. 56-59). As such, the examiner interprets the remote control handset to be "a layout setter, arranged to register the user layout, which is customized by said layout changer, corresponding to the program ID," as currently claimed. Shoff et al. still further discloses that the digital data is deconstructed at the viewer computing unit to extract the timing information and the display layout from the supplemental content (col. 10, l. 34-58). The examiner notes that this display layout changes in response to viewer selections or automatically as part of the timing information (col. 11, l. 55-61). As such, the examiner interprets the viewer computing unit as having "a storage, arranged to store a plurality of user layout data, each of which represents a registered user layout, registered by said layout setter, by indicating a position of displaying each image, and each of which corresponds to a respective program ID," as currently claimed. Shoff et al. also discloses that, upon tuning to a channel with associated supplemental content, the viewer computing unit can automatically activate the supplemental content (col. 9, l. 60-65 & Fig. 8b). In response to the user selecting a soft button, such as soft button 217, the user layout is changed, such as that shown in Fig. 8c

(col. 11, 1. 56-59 & Fig. 8c). The examiner interprets this as synthesizing based on user layout

data or basic layout, as currently claimed.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims **14, 102,** and **104-107** are rejected under 35 U.S.C. 102(e) as being anticipated by

Shoff et al.

Referring to claim **14,** Shoff et al. discloses an apparatus according to claim 104, further

comprising a reproducer arranged to reproduce the display image generated by said synthesizer

(col. 4, 1. 22-34).

Referring to claim **102,** Shoff et al. discloses an apparatus according to claim 104,

wherein the user layout further effects a change in audio output format (col. 5, 1. 16-18 & col. 11,

1. 15-18).

Referring to claims **104, 106,** and **107,** Shoff et al. discloses an

apparatus/method/program for receiving a television program, comprising:

-       a receiver, arranged to receive a bit stream broadcasted as the television program,

        wherein the bit stream comprises multiplexed encoded image data (video stream and

supplemental content) and encoded system data (timing information, display layout,

tuned channel, time slot, text of hypertext document, etc.)(col. 4, l. 62-67; col. 5, l. 1-

5, 12-32; col. 6, l. 7-22; col. 9, l. 8-19; & col. 10, l. 3-23, 34-58);

- a data demultiplexer, arranged to demultiplex the bit stream to the encoded image

   data and the encoded system data (col. 10, l. 18-24);

- an image decoder 98, arranged to decode the encoded image data demultiplexed by

   said data demultiplexer to generate plural images (col. 10, l. 18-24 & Figs. 5-7);

- a system data decoder (processor 92), arranged to decode the encoded system data

   demultiplexed by said data demultiplexer (col. 10, l. 3-17, 34-58);

- a detector, arranged to detect at least a basic layout depending on the television

   program (the examiner notes that in tuning a particular television program, it is

   determined whether the program is interactive. If it is, the viewer computing unit

   automatically activates a target resource, resulting in a screen, such as that shown in

   Fig. 8b)(col. 8, l. 62-67; col. 9, l. 1-8, 60-65; & Fig. 8b), a program ID of the

   television program which is in the midst of being received (col. 8, l. 62-67; col. 9, l.

   1; & Fig. 3), and a character command, from the decoded system data, wherein the

   character command indicates generation of a character image (the examiner notes that

   text is displayed according to a display layout)(col. 2, l. 6-8; col. 10, l. 34-58; col. 13,

   l. 17-21; & col. 14, l. 18-20), and wherein the program ID is uniquely specified for

   each television program (Fig. 3);

- a character generator, arranged to generate a character image indicated by the

   detected character command using internal character data (the examiner notes that

HTML documents inherently include presentational markup elements that indicate

how a web browser should render text, for instance, in bold)(col. 2, l. 6-8; col. 5, l.

23-48; & col. 12, l. 63-67);

- a layout changer (processor), arranged to customize a user layout for displaying the

generated plural images and the generated character image in accordance with a user

instruction (col. 10, l. 58-67; col. 11, l. 1-59);

- a layout setter (remote control handset), arranged to register the user layout, which is

customized by said layout changer, corresponding to the program ID (when in the

interactive screen illustrated in Fig. 8b, the user can select soft buttons 212-221, such

as a program guide button 219)(col. 11, l. 34-38 & Fig. 8b);

- a storage, arranged to store a plurality of user layout data, each of which represents a

registered user layout, registered by said layout setter, by indicating a position of

displaying each image, and each of which corresponds to a respective program ID

(the examiner notes that the supplemental content including the display layout is

downloaded. The display layout is changed in response to viewer selection of a soft

button)(col. 10, l. 18-24; col. 11, l. 48-59; & Fig. 8b);

- a determiner, arranged to determine whether or not the detected program ID is

coincident with the program ID corresponding to the stored user layout data (the

examiner notes that, while viewing the program guide, the user can tune to a different

channel)(col. 8, l. 62-67; col. 9, l. 1-8; & col. 11, l. 36-38); and

- a synthesizer, arranged to synthesize the generated plural images and the generated

character image based on the user layout data read out from said storage in

accordance with the detected program ID when said determiner determines that the

program IDs are coincident (as long as the user does not tune to a different

channel)(col. 11, l. 34-38), and to synthesize those images based on the basic layout

when said determiner determines that the program IDs are not coincident (if the user

tunes to a new interactive channel)(col. 11, l. 34-39), so that a display image of the

television program is generated (Fig. 8b).

Referring to claim **105**, Shoff et al. discloses an apparatus according to claim 104,

wherein said layout changer customizes a position and/or size of displaying the generated plural

images and the generated character image individually (the examiner notes that clicking a soft

button causes a change in the display, which causes size and shape changes in the program

boundary and size, style, and location changes in the display of the supplemental content. Since

the supplemental content is a hypertext document that defines text, graphics, video, picture, and

sound objects as individual elements within the hypertext document, the examiner interprets the

selection of a soft button as implicitly setting the position and/or size of the video program,

supplemental content, and text individually)(col. 10, l. 34-58 & col. 11, l. 56-59).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968.

The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH

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